

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

**FILED**

05/03/22

12:06 PM

C2008018

May 3, 2022

TO PARTIES OF RECORD IN CASE 20-08-018:

This proceeding was filed on August 21, 2020 and is assigned to Commissioner Alice Reynolds and Administrative Law Judge (ALJ) Jessica Hecht. This is the decision of the Presiding Officer, ALJ Hecht.

Any party to this adjudicatory proceeding may file and serve an Appeal of the Presiding Officer's Decision within 30 days of the date of issuance (*i.e.*, the date of mailing) of this decision. In addition, any Commissioner may request review of the Presiding Officer's Decision by filing and serving a Request for Review within 30 days of the date of issuance.

Appeals and Requests for Review must set forth specifically the grounds on which the appellant or requestor believes the Presiding Officer's Decision to be unlawful or erroneous. The purpose of an Appeal or Request for Review is to alert the Commission to a potential error, so that the error may be corrected expeditiously by the Commission. Vague assertions as to the record or the law, without citation, may be accorded little weight.

Appeals and Requests for Review must be served on all parties and accompanied by a certificate of service. Any party may file and serve a Response to an Appeal or Request for Review no later than 15 days after the date the Appeal or Request for Review was filed. In cases of multiple Appeals or Requests for Review, the Response may be to all such filings and may be filed 15 days after the last such Appeal or Request for Review was filed. Replies to Responses are not permitted. (*See*, generally, Rule 14.4 of the Commission's Rules of Practice and Procedure at www.cpuc.ca.gov.)

If no Appeal or Request for Review is filed within 30 days of the date of issuance of the Presiding Officer's Decision, the decision shall become the decision of the Commission. In this event, the Commission will designate a decision number and advise the parties by letter that the Presiding Officer's Decision has become the Commission's decision.

/s/ ANNE E. SIMON

Anne E. Simon

Chief Administrative Law Judge

AES:mph

Attachment

Decision **PRESIDING OFFICERS' DECISION OF ALJ HECHT**
(Mailed 5/3/2022)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Town of Paradise, A California
Municipal Corporation,

Complainant,

vs.

Case 20-08-018

Comcast Phone of California, LLC
d/b/a Comcast Digital Phone (U5698C),
And AT&T Corporation (U5002C),

Defendant.

Jeffrey T. Melching, Attorney at Law, for Town of
Paradise, A California Municipal Corporation,
Complainant.

David Miller, for AT&T Corporation, Defendant.

PRESIDING OFFICERS' DECISION DISMISSING COMPLAINT

Summary

This decision dismisses and closes the complaint proceeding with prejudice filed by the Complainant, Town of Paradise, and dismisses the remaining Defendant, AT&T Corporation, with prejudice.

1. Background

On August 21, 2020, the Town of Paradise (Paradise) filed this complaint naming Comcast Phone of California, LLC d/b/a Comcast Digital Phone (Comcast) and AT&T Corporation (AT&T Corp.) as defendants. In its complaint, Paradise asserts that all facilities of Comcast and AT&T Corp. within Paradise should be located underground, rather than on overhead utility poles, for safety reasons.

On April 1, 2021, Paradise and Comcast filed a joint motion stating that they had settled. The litigation schedule for the proceeding remained suspended to allow Paradise and AT&T Corp to continue settlement discussions. Decision (D.) 21-08-044¹ was issued on August 25, 2021, dismissing Comcast with prejudice as a defendant, relying on the Joint Motion by Comcast and Paradise.

2. Dismissal of Complaint

On September 14, 2021, AT&T Corp and Paradise filed a joint motion stating that they too had settled and asked to dismiss AT&T with prejudice as a defendant. Paradise neglected, however, to move for withdrawal of the complaint or to dismiss the overarching complaint.

With both defendants freed by Paradise from its complaint based on their separate settlements the complaint is moot. We therefore will dismiss the complaint with prejudice consistent with the requests in the two motions to dismiss first Comcast and now AT&T Corp as defendants.

¹ [402608373.docx \(live.com\)](#)

3. Assignment of Proceeding

Commissioner Alice Reynolds is the assigned Commissioner and Jessica Hecht is the assigned Administrative Law Judge and presiding officer in this proceeding.

Findings of Fact

1. On September 14, 2021, Paradise and AT&T Corp filed a joint motion stating that they had settled and asked that AT&T Corp be dismissed as a defendant with prejudice.
2. There are no remaining defendants in the complaint.

Conclusions of Law

1. AT&T Corp should be dismissed with prejudice as a defendant in this case.
2. The Complaint should be dismissed with prejudice and the proceeding should be closed.

O R D E R

IT IS ORDERED that:

1. AT&T Corporation (U5002C) is dismissed as a defendant to this complaint, with prejudice.
2. Complaint 20-08-018 is dismissed with prejudice and the proceeding is closed.

This order is effective today.

Dated _____, at San Francisco, California.